

**PUBLIC VERSION**

DANIEL J. BERGESON, Bar No. 105439  
[dbergeson@be-law.com](mailto:dbergeson@be-law.com)  
MELINDA M. MORTON, Bar No. 209373  
[mmorton@be-law.com](mailto:mmorton@be-law.com)  
DONALD P. GAGLIARDI, Bar No. 138979  
[dgagliardi@be-law.com](mailto:dgagliardi@be-law.com)  
JOHN W. FOWLER, Bar No. 037463  
[jfowler@be-law.com](mailto:jfowler@be-law.com)  
BERGESON, LLP  
303 Almaden Boulevard, Suite 500  
San Jose, CA 95110-2712  
Telephone: (408) 291-6200  
Facsimile: (408) 297-6000

Attorneys for Plaintiff  
VERIGY US, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;  
WESLEY MAYDER, an individual; SILICON  
TEST SYSTEMS, INC., a California Corporation;  
and SILICON TEST SOLUTIONS, LLC, a  
California Limited Liability Corporation,  
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF DONALD P.  
GAGLIARDI IN OPPOSITION TO  
WESLEY MAYDER'S MOTION FOR RULE  
11 SANCTIONS**

Date: August 8, 2008  
Time: 9:00 am  
Ctrm.: 6  
Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007  
Trial Date: December 15, 2008

**DOCUMENT SUBMITTED UNDER SEAL**  
**HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY**

1 I, Donald P. Gagliardi, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of  
3 California and am a partner with the law firm of Bergeson, LLP, counsel of record for plaintiff  
4 Verigy US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the facts  
5 set forth in this declaration, and, if called to do so, could and would competently testify thereto.

6 2. On or about the afternoon of July 9, 2008, I deposed defendant Wesley Mayder in  
7 the above-captioned action. Attached hereto and incorporated herein by reference as Exhibit A are  
8 true and correct copies of pertinent portions of the deposition testimony of Wesley Mayder,  
9 including exhibits thereto.

10 3. On or about the morning of July 9, 2008, I attended the deposition of John  
11 Davidson, taken by my partner John W. Fowler, in the above captioned action. Attached hereto  
12 and incorporated herein by reference as Exhibit B are true and correct copies of pertinent portions  
13 of the deposition testimony of Jon Davidson, including exhibits thereto.

14 4. Attached hereto as Exhibit C is a true and correct copy of the application for a  
15 seller's permit, form BOE 400 SPA, downloaded by personnel in my office on July 16, 2008 from  
16 the California Board of Equalization's website at <http://www.boe.ca.gov/pdf/boe400spa.pdf>.

17 5. I am a 1988 graduate of Stanford Law School, with almost twenty years experience  
18 in the practice of law. Prior to joining Bergeson, LLP, I was a Law clerk to Hon. John T. Elfvin, a  
19 U.S. District Judge in the Western District of New York, and to Hon. Edward A. Infante, U.S.  
20 Magistrate Judge for Northern District Court of California. My area of practice is in business  
21 litigation. I have handled a variety of cases in state and federal courts. I have previously served as  
22 a special master in discovery disputes in the Northern District of California. I also serve as an  
23 arbitrator and judge pro tem in the Santa Clara County Superior Court.

24 6. My ordinary and usual billing rate as of January 2008 is \$480 per hour. I have  
25 expended in excess of 25 hours in preparing Verigy's papers in opposition to defendant Wes  
26 Mayder's motion for imposition of sanctions pursuant to Rule 11 of the Federal Rules of Civil  
27 Procedure. Accordingly, Verigy has reasonably and necessarily incurred in excess of \$3,024.00  
28 for my fees related to the Rule 11 motion.

1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct and that this declaration was executed this 17th day of July, 2008 at  
3 San Jose, California.

4 \_\_\_\_\_/s/  
5 Donald P. Gagliardi  
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